

## **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of July 15, 2008 (Office Action). As this response is timely filed within the three-month statutory period, no fee is believed due. The Office is expressly authorized, however, to charge any deficiency or credit any over-payment to Deposit Account No. 50-0951.

### **Claims Rejections – 35 USC § 103**

In the Office Action, Claims 1, 3-5, 8-13, 15-17, 20-21, 23-24, and 26-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto, *et al.*, "Tele-Handshake through the Internet", *IEEE Workshop on Robot and Human Communication*, 1996, pages 90-95 (hereinafter Hashimoto) in view of U.S. Patent 7,036,094 to Cohen, *et al.* (hereinafter Cohen). Claims 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto in view of Cohen, and further in view of Rovers, *et al.* "HIM: A Framework for Haptic Instant Messaging," Conference on Human Factors in Computing Systems (CHI '04), extended abstracts on human factors in computing systems, April 24-29, 2004, Vienna, Austria, pp. 1313-1316 (hereinafter Rovers).

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have cancelled Claims 2, 6-7, 10-22, 25-27, and 29-30. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

**Aspects of Applicants' Invention**

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, is a method of communicating physical human interactions over a communications network.

The method can include detecting physical contact with a first model by a first user located at a sending system. The first model can represent at least a portion of a human body including at least one among a human head, a human face, a human back and an entire human body. The first model can incorporate one or more contact sensors. See, e.g., Specification, paragraphs [0022], [0025] & [0026].

The method also can include detecting physical movement of the first user with one or more optical sensors located at the sending system. The physical movement of the first user can include at least one of a body movement of the first user and a change in facial expression of the first user. See, e.g., Specification, paragraphs [0005], [0006] & [0022].

The method further can include generating data from the sensors specifying the physical contact and the physical movement, determining at least one action intended by the first user indicated by the generated data, transmitting the determined action over a communications network to a receiving system, and simulating the action by performing the action on a second user at the receiving system using a second model and activating the second model according to the physical movement. The second model can represent at least the portion of the human body and incorporate one or more actuators. See, e.g., Specification, paragraphs [0025] & [0026].

**The Claims Define Over The Prior Art**

It was stated on page 3 of the Office Action that Hashimoto does not disclose that the portion of a human body includes at least one among a human head, face, back and entire human body; nor does Hashimoto disclose that the generated data used in determining an action to be transmitted and simulated also includes data gathered from

detecting a physical movement of the first user using one or more optical sensors, wherein the physical movement includes at least one of a body movement and a change in facial expression of the first user, and that this additional data causes the second model to activate the detected physical movement. However, it was asserted in the Office Action that these features are disclosed by Cohen.

Cohen discloses in the Abstract:

*A system for recognizing various human and creature motion gaits and behaviors is presented. These behaviors are defined as combinations of "gestures" identified on various parts of a body in motion. For example, the leg gestures generated when a person runs are different than when a person walks. The system described here can identify such differences and categorize these behaviors. Gestures, as previously defined, are motions generated by humans, animals, or machines. Where in the previous patent only one gesture was recognized at a time, in this system, multiple gestures on a body (or bodies) are recognized simultaneously and used in determining behaviors. If multiple bodies are tracked by the system, then overall formations and behaviors (such as military goals) can be determined.*

It is noted that Cohen recognizes body gestures, including hand, foot, limb, and full body gestures, in order to determine and categorize behaviors. However, Cohen does not disclose generating data from the recognized gestures, which can then be transmitted to a second model, and simulating the body movement at the second model using the generated data. It is also noted that while both Hashimoto and the present invention concern communicating physical human interactions over a communications network, Cohen concerns recognizing behaviors. Therefore, Cohen is not in the same field of applicants' endeavor or reasonably pertinent to the particular problem with which the applicant was concerned.

With regard to Claim 3, it was asserted in the last paragraph on page 4 of the Office Action that:

*Hashimoto discloses operating the method using the TCP protocol (page 91, 3.1). Therefore, it would have been obvious to one of ordinary skill in the art*

*and having the teachings of Hashimoto and Cohen before them at the time the present invention was made, to implement the computer methods as modules and to convert them to a mark up language for Internet use. One would have been motivated to do this in order to use another standardized, reliable computer programming language, as suggested by Hashimoto (page 91, 3.1. "we have selected to used reliable TCP protocol), thereby avoiding the cost and time involved with developing one's own programming language, as well as to provide a programming language specifically developed for use with Internet based applications.*

However, it is noted that TCP (being a networking protocol) and markup language (being a language) are two completely different concepts. It is also not clear how the Examiner would consider a programming language as being "reliable." It is further noted that a markup language is not a programming language (see, e.g., [http://en.wikipedia.org/wiki/Markup\\_language](http://en.wikipedia.org/wiki/Markup_language)).

With regard to Claim 28, it is noted that Rovers was published in April 2004, which is later than the filing date of the instant application and thus is not an appropriate prior art reference.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1. Applicants therefore respectfully submit that Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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